

# EXHIBIT 17

# Morgan Lewis

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May 31, 2019

## **CONFIDENTIAL**

### **VIA E-MAIL**

Thomas E. Egler, Esq.  
Robbins Geller Rudman & Dowd LLP  
655 West Broadway Suite 1900  
San Diego, CA 92101

RE: *In Re National Prescription Opiate Litigation*, Case No. 1:17-MD-2804 (N.D. Ohio)

Dear Tom:

On behalf of Teva Pharmaceuticals USA, Inc., Cephalon, Inc., Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc. (collectively, the "Teva Defendants"),<sup>1</sup> we write in response to your May 22, 2019 letter regarding various matters. Below are the Teva Defendants' responses to the subject areas in your letter, to the extent that they apply to the Teva Defendants.

#### **A. Lisa Pehlke Deposition**

This deposition was requested through Allergan and it will provide updated information.

#### **B. Cegedim-Dendrite (Buzzeo) Audits and Reports**

As noted in Richard Shephard's May 2, 2019 email to you, the Teva Defendants have conducted an extensive search for the Cegedim-Dendrite (Buzzeo) report (the "Report") referenced in exhibit 15 of Tom Napoli's deposition, including searches of custodial data, the shared folders in which the Teva Defendants maintain documents related suspicious order monitoring ("SOM"), and hard copy documents, and have not located any responsive documents or information beyond what was previously produced to Plaintiffs. As such, the Teva Defendants can provide no

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<sup>1</sup> As you know, we do not represent the Allergan entities. Therefore, we have no response to your May 24, 2019 letter which, despite pertaining to Allergan plc's jurisdictional discovery responses, you also addressed to us.

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additional information on the Report, its contents, whether it was ever in-fact in the Teva Defendants' possession, or, if it was in the Teva Defendants' possession, its disposition. The Teva Defendants further note that they have produced myriad documents in this litigation relating to their SOM programs. The Teva Defendants' efforts to collect, review, and produce documents related to its SOM programs have been thorough. The Teva Defendants have indicated on their weekly production chart, status reports, and production cover letters – as well as in numerous correspondence with Plaintiffs – when responsive documents concerning the Teva Defendants' SOM program were produced. For example, as explained in Richard Shephard's email dated December 6, 2018, the Teva Defendants' ninth production (TEVA\_MDL\_A\_01037081 – TEVA\_MDL\_A\_01061119) contained over 10,000 documents which "included documents relating to suspicious order monitoring program, including certain files from Teva's DEA compliance folder, as well as hard copy documents." *See* Teva Production 9 (August 1, 2018) entry in Teva's Weekly Status Report. The Teva Defendants also have produced a wealth of custodial documents from agreed custodians from the DEA Compliance department, which oversees the Teva Defendants' SOM program. The Teva Defendants have further collected and produced the following SOM related reports from IQVIA entities within the Teva Defendants' possession, custody, or control:

- The September 25, 2012 Cegedim report that begins with bates number TEVA\_MDL\_A\_01060005;
- The July 14, 2013 BuzzeoPDMA report that begins with bates number TEVA\_MDL\_A\_01464264; and
- The August 6, 2013 BuzzeoPDMA report that begins with bates number TEVA\_MDL\_A\_01464245.

**C. Requested Data in the Teva Defendants' Possession**

As your May 22, 2019 letter notes, the Teva Defendants agreed on May 2, 2019 to produce various additional information and documents. The Teva Defendants have collected and are in the process of producing the referenced direct sales data from the legacy Actavis QAD database and direct sales data from the legacy Actavis SAP database. The Teva Defendants anticipate making those productions this week or next. The Teva Defendants are still attempting to generate the other reports described in their May 2, 2019 letter. As we previously informed you, these are time intensive reports that are not simple to create; we will produce them as soon as practicable.

**D. Additional Data Sought by Plaintiffs**

Your May 22, 2019 letter requests reproductions of various data in a form that would be most user-friendly for Plaintiffs. The Teva Defendants have no obligation to undergo this additional effort. Nevertheless, the Teva Defendants are working to determine whether it is possible to reproduce the documents identified in your letter in the requested format and, if so, whether doing so would be too burdensome. We will get back to you soon.

**E. DEA Reports**

This request is directed to Allergan, not the Teva Defendants.

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**F. IQVIA Manufacturer Codes**

This request is directed to Allergan, not the Teva Defendants.

Please do not hesitate to contact me at the number above if you have any questions.

Sincerely,

/s/ Rebecca J. Hillyer

Rebecca J. Hillyer

cc: *via e-mail*  
Steven Reed, Esq.  
Wendy West Feinstein, Esq.